IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1545 OF 2004

The State of Maharashtra ..... Appellant

Versus

Shri Iqbal Khotu Karambelkar ..... Respondent

Mr. D.P. Adsule, APP for the Appellant.

Mr. Sanjay Prabhu h/f Mr.N.V. Bandiwadekar for the Respondent.

CORAM : A.S. OKA, J.

DATE : 5TH DECEMBER 2006

P.C.

1) Heard learned APP for the State. The learned Judicial Magistrate First Class convicted the Respondents for the offence punishable under Section 324 r/w 34 of Indian Penal Code. The Respondents were however acquitted of the offences alleged under Sections 326, 504 and 506 r/w 34 of the Indian Penal Code. In an appeal preferred by the Respondents, the learned Sessions Judge has acquitted both the Respondents.

2) I have perused the Judgment of both the Courts

below and notes of evidence. Perusal of the notes of evidence of PW 1, injured witness and PW 2, an eye witness shows that their evidence is inconsistent. PW 2 has not fully supported the prosecution case as regards the alleged assault made by both the accused on the person of PW 1 in front of his house. Apart from this fact, the Medical Officer was not examined to prove the alleged injury sustained by the PW 1.

3) Thus, the view taken by the learned Sessions Judge is certainly a possible view which would have been taken on the basis of evidence on record.

4) No case is made out for grant of leave. Appeal is dismissed.

(A.S. OKA, J.)